

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WARREN FAHEY,)	
)	
Petitioner,)	Civil Action No. 17-137E
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Susan Paradise Baxter
ROBERT GILMORE, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Susan Paradise Baxter for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On June 25, 2018, the Magistrate Judge issued a Report (Doc. 22) recommending that Respondents' Motion to Dismiss (Doc. 18) be granted; that Mr. Fahey's 2254-Petition be dismissed with prejudice; and that a certificate of appealability be denied. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, it hereby is **ORDERED** that: Respondents' Motion to Dismiss (**Doc. 18**) is **GRANTED**; Mr. Fahey's 2254-Petition is **DISMISSED WITH PREJUDICE**; a certificate of appealability is **DENIED**; and the Magistrate Judge's Report and Recommendation (Doc. 22) is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

July 24, 2018

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

Warren Fahey
LP0255
SCI Albion
10745 Rt. 18
Albion, PA 16475